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July 25, 2016

BY PRIORITY MAIL

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Attention: James Bradshaw, Assistant Division Chief
Victoria McCauley, Esquire
Audio Division, Media Bureau

Re: Stellar Media, Inc.
FM Translator Station K254CP, Facility ID 154426
Midland, Texas

Subject: **Request for Tolling/Extension of Auction 83 Construction Permit**
FCC File No. BMPFT-20160229ABT

Dear Ms. Dortch:

On behalf of Stellar Media, Inc. ("Stellar"), permittee of the above-referenced construction permit ("Permit"), I respectfully request a waiver of the April 16, 2016, construction deadline and a tolling/extension of the Permit.

Stellar is the licensee of Class C AM Broadcast Station KOZA, Facility ID 41298, Odessa, Texas ("Station"). Stellar acquired the translator's formerly authorized facilities to serve as a fill-in for the Station.¹

On February 29, 2016, Stellar filed a 250-Mile Window Application in the First Modification Window (the "Application").²

¹ K260BU was originally authorized to Edgewater Broadcasting, Inc., to serve Roswell, New Mexico, FCC File No. BNPFT-20130307AAE, granted April 16, 2013. Commission consent to assignment of the permit to Stellar was granted January 15, 2016, in FCC File No. BAPFT-20151110AAE. The transaction was consummated January 27, 2016.

² See *Public Notice*, "Media Bureau Announces Filing Dates And Procedures For AM Station Filing Window For FM Translator Modifications And Availability Of FM Translator Technical Tools," DA-1491, released December 23, 2015.

Stellar filed the Application pro se, with the assistance of its consulting engineer. Stellar's principal, Mr. Benjamin Velasquez, believed that a grant of the Application would automatically extend the expiration date of the Permit. He proceeded to order equipment and to negotiate a transmitter site lease in anticipation of putting K254CP on the air. He was unaware and had been given no notice of the expiration of the Permit on April 16, 2016.

In the course of assisting Mr. Velasquez with other matters, counsel brought to his attention the cancellation of the Permit. Immediately upon learning of this, Mr. Velasquez authorized and directed counsel to prepare and file this request for waiver, for reinstatement, and for extension. Stellar serves the substantial Hispanic population in the Odessa-Midland market, and the facilities authorized by the Permit will materially aid in improving service to the community. Stellar is prepared to construct the facilities immediately.

The Commission has specifically invited waiver requests in cases involving Auction 83 construction permits acquired and intended to be built as fill-in facilities for AM stations. The Commission found action on such requests to be presumptively in the public interest:

Waivers can expand cross-service broadcasting opportunities for AM stations, will allow AM licensees to realize service improvements quickly, will incentivize FM translator permittee participation in the modification window process, and will provide a means to avoid the delays and administrative burdens of re-auctioning this spectrum. *Revitalization of the AM Radio Service*, 30 FCC Rcd 12145, 12152 n. 36 (2015).

Accordingly, a grant of this request is necessary and warranted, and would serve the public interest.

Kindly communicate any questions directly to this office.

Respectfully submitted,



John Wells King

cc: Mr. James Bradshaw, Assistant Division Chief
Victoria McCauley, Esquire
Audio Division, Media Bureau
(both by email/pdf)